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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,248	10/19/2000	Mitsuteru Kataoka	2000 1450A	5018

7590 10/31/2007
WENDEROTH LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, DC 20006

EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

7/12

Office Action Summary	Application No.	Applicant(s)	
	09/691,248	KATAOKA, MITSUTERU	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims.

- 4) ☒ Claim(s) 38-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In light of the lengthy prosecution history of the present application, the Examiner strongly recommends conducting an interview prior to filing a response to the present Office action. The Examiner feels that an interview could help clarify the respective positions of Applicant and the Examiner, and assist in identification of potentially allowable subject matter. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Response to Arguments

3. Applicant's arguments filed 7/26/2007 have been fully considered but they are not persuasive.
4. With regard to claim 1, and Applicant's assertion that AAPA does not disclose a content assembler that adds respective content headers to each content body (Remarks, 10), the Examiner respectfully disagrees. As discussed in the Office action of 4/10/07, AAPA discloses that the content bodies, whether service content bodies or browser content bodies, are de-multiplexed and separated prior to being stored (Specification, 6-7). In order for the content bodies to be separated, they must be identified by unique information attached to the content, which forms a "content header".

5. With further regard to claim 1, and Applicant's assertion that AAPA does not disclose a content body pitcher that outputs both content body types (Remarks, m10), it is noted that such a limitation does not appear in the present claims. The present claims only require that the content body be "one of a service content body and a browser content body", and subsequently requires the content body pitcher to output "each of the plurality of content bodies".

Furthermore, AAPA discloses a "content body pitcher" (transmitter 116) that outputs content bodies of both types (p. 5, l. 16 to p. 6, l. 5). Applicant's reference to the separate pitcher devices of fig. 24 is not persuasive, since the Examiner relies upon the transmitter as teaching the "content body pitcher".

6. With further regard to claim 1, and Applicant's assertion that AAPA does not disclose a content assembler distinct from a multiplexer (Remarks, 10), it is noted that such a feature is not present in the current claims. The claims require both a multiplexer and a content assembler, but do not require that they be physically separate devices. An appropriate interpretation of the multiplexer in AAPA would be that it contains a subroutine for assembling content and another subroutine for multiplexing the data, thereby anticipating the claimed multiplexer and content assembler (p. 5, l. 16 to p. 6, l. 11).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. **Claims 38-39, 42-44, 47-49, 52-54 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art as described in Applicant's specification on pages 1-11.**

9. With regard to claim 38, Applicant's admitted prior art disclosed a storage based broadcasting system which stores a plurality of contents to provide a service and a user interface to a user, said system comprising:

- Transmission means ("transmitter") for transmitting the plurality of contents (browser service and associated service content) (the "transmitter" transmits the multiplexed content; pg 5, line 25 – pg 6, line 5); and
- Receiving means for receiving the plurality of contents from said transmission means via a transmission path (pg 6, lines 19-25), and activating the user interface (e.g. the content is rendered, pg 7, lines 18-20), wherein:
- Each of the plurality of contents includes a content body (browser service and associated service content that is multiplexed and sent to a client, see

inter alia, pg 4, lines 4-11, pg 4, lines 19-25, pg 5, lines 9-15, and pg 5, line 25 – pg 6, line 11) and a content header (e.g. identifiers for the browser service and the service content; e.g. B(S1) – browser service 1, C(S3, 2) – content item 2 for service 3; see inter alia pg 4, lines 4-11, pg 5, lines 1-15) for defining each of the plurality of contents respectively;

- The content body is one of a service content body for providing the service and a browser content body for providing the user interface with the service (again browser service and associated service content; refer to the above references);
- The content header attached to the browser content body contains a content flag which distinguishes the browser content body from the service content body (the content identifiers e.g. B(S1) or C(S3, 2) are used during de-multiplexing at the client to identify the content, see inter alia pg 6, line 23 – pg 7, line 17);
- Said transmitting means comprises:
 - Storage means for storing a plurality of contents bodies (Figure 24, browser and content storages);
 - a content body pitcher for outputting each of the plurality of content bodies stored in said storage means (Figure 24, transmitter 116),
 - content assembler means for assembling a content by adding the respective content header to each of the plurality of content bodies outputted from said content body pitcher(The multiplexing

processes meshes both the browser services and associated service content together along with each of their associated identifiers, e.g. B(S1), see inter alia pg 5, line 19 – pg 5);

- multiplexer means for multiplexing the content assembled by said content assembler means (multiplexer multiplexes the content and browser)(p. 5, l. 9, to p. 6, l. 5), and
- transmitter means for modulating the content multiplexes by said multiplexer means and outputting the modulated content (transmitter sends the data)(p. 6, ll. 6-11),

- wherein said receiving means comprises browser content determination means for determining a content, including the browser content body, among the plurality of received contents based on the content header included in each of the plurality of received contents (de-multiplexing process, pg 7, lines 3-17).

10. With regard to claim 39, Applicant's admitted prior art disclosed said transmission means further comprises service property information transmitting means for transmitting service property information for indicating properties of the service and said receiving means further for receiving the transmitting service property information; (e.g. service name, Figure 28 and pg 8, lines 14-20); and said browser content determination means is further for determining a content, including the browser content body among the plurality of received contents based on the service property information in addition to

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the content header (e.g. service name information associated with each service and service content which was stored during the de-multiplexing process, Figure 28 and pg 8, lines 14-20 and de-multiplexing, pg 7, lines 3-17);

11. With regard to claim 42, Applicant's admitted prior art disclosed said content pitcher means further comprises content ID space management means for sending information for defining a part of an ID space of the content; and said receiving means further comprises designation means for designating the content including the browser content body, based on a content ID included in the defined part of the ID space (as discussed and mapped above content identifiers are sent and received for associated content with a particular service, e.g. C(S1, 1); furthermore there may be multiple content packages associated with each service that is identified by a content ID in an ID space; e.g. in the example on pg 5, lines 1-8; there are three content packages for a service #3, hence the ID space have 3 IDs 1, 2, and 3, C(S3, 1), C(S3, 2), C(S3, 3)).

12. Claims 43-44, 47-49, and 52-53 are rejected using a similar rationale as applied to the above claims.

13. With regard to claim 53, Applicant's admitted prior art disclosed a delivery unit operable to receive the content including the browser content body transmitted by said transmission unit, and transmit the transmitted content including the browser to said receiving unit (pg 6, lines 12-18).

14. With regard to claim 54, Applicant's admitted prior art disclosed said transmission unit is operable to transmit the content as a digital bit stream to said delivery unit and said delivery unit is operable to transmit the transmitted content as a digital bit stream to the receiving unit (digital communications are utilized, pg 6, line 23 – 2).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 40-41, 45-46, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Schell et al. (U.S. Patent Number 6,751,735; hereinafter Schell).**

17. With regard to claims 40-41, 45-46, and 50-51, Applicant's admitted prior art disclosed substantial features of the claimed invention however, Applicant's admitted prior art failed to disclose the use of unique electronic signatures and public keys to authenticate the received services and associated service content. Nonetheless it was notoriously well known in the art at the time of Applicant's invention to use unique electronic signatures and public keys to authenticate content, as evidenced by at least Schell Col 2, line 39- Col 3, line 7. Hence, it would have been obvious to one of

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ordinary skill in the art at the time of Applicant's invention to modify Applicant's admitted prior art system to include unique electronic signatures with each content item transmitted and authenticate the transmitted content using public keys, in order to ensure the integrity of the content transmitted and thus increase the overall security of the system.

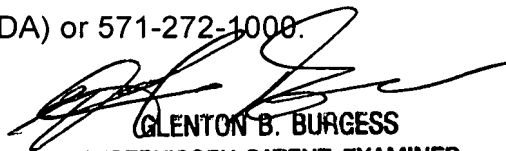
Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB 10/19/07


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